

ABSTRACT

Public Servants - Case under the Prevention of Corruption Act, 1988 against Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthy Municipality, Wanaparthy, Mahabubnagar District - Trapped on 07-04-2011 - Sanction of prosecution under the Prevention of Corruption Act, 1988 Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.IV) DEPARTMENT

G.O. Ms. No. 469

Dated:18-10-2011

O R D E R:

Whereas, Sri Mohd.Sajjad Ali S/o Mohmmmed Ali, worked as Municipal Commissioner (on his own pay), Wanaparthy Municipality, Wanaparthy, Mahabubnagar District, R/o. H.No. 36-21, Vallabhnagar, Near LIC Office. Wanaparthy from 03.10.2008 to 07-04-2011 i.e. on the date of trap. By virtue of the post held by him, he falls under the category of public servant as defined under section 2 (c) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

2. And whereas Sri Ali Ahmed Khan, S/o Ismail Khan, Occ. Business (styled as Sai Chemicals), residing at H.No.I-3-115/A/2, Saddalagundu, Mahabubnagar Town & District was supplying chlorine gas to Wanaparthy Municipality of Mahabubnagar District for the last 10 years. Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthy Municipality used to inform orally either in person or through telephone about supply of chlorine gas as per the requirement at Wanaparthy Municipality i.e. one cylinder to six cylinders of each weighing 100 Kgs. Later Sri Ali Ahmed Khan used to receive the payment.

3. As usual Sri Ali Ahmed Khan had supplied chlorine gas to Wanaparthy Municipality numbering sixty cylinders from 01-12-2009 to 19-12-2010 as per the request of Sri Mohd. .Sajjad Ali, Municipal Commissioner, Wanaparthy i.e. 1 to 6 cylinders on different spells and he was to receive the amount of Rs.3,78,000/- towards supply of chlorine gas. He requested Sri Mohd.Sajjad Ali, Municipal Commissioner on several times for payment of pending amount. Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthy Municipality used to dodge on the payment of pending amount and about month prior to the date of trap, Sri Mohd. Sajjad Ali, Municipal Commissioner demanded him to pay Rs.50,000/- as bribe for payment of the pending bill.

4. Later, about fifteen days prior to the day of trap, once again when Sri Ali Ahmed Khan requested Sri Mohd. Sajjad Ali, Municipal Commissioner about payment of the bill, Sri Mohd. Sajjad Ali once again reiterated to pay demanded bribe amount of Rs.50,000/- and on his several requests, Sri Mohd. Sajjad Ali reduced the bribe amount to Rs.35,000/- and directed him to pay the bribe amount of Rs.35,000 /-.

5. And, whereas, Sri Ali Ahmed Khan was not willing to pay the demanded bribe amount of Rs.35,000 / - to Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthy Municipality, Mahabubnagar District. Accordingly on 06-04-2011 at 14.00 hrs, Sri Ali Ahmed Khan approached the Joint Director, CIU, ACB, Hyderabad and lodged a complaint against Sri Mohd. Sajjad Ali, Municipal

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Commissioner and the Joint Director (CIU), ACB entrusted the same to the DSP, ACB, CIU, Hyderabad for verification and necessary action. The DSP, ACB, CIU, after causing confidential enquiries about the reputation of Sri Mohd. Sajjad Ali, Municipal Commissioner and genuineness of the complaint, registered the complaint as Cr. No. 12/ACB-CIU-HYD/ 2011 u/s 7 of the Prevention of Corruption Act. 1988 against, Sri Mohd. Sajjad Ali, Municipal Commissioner on 07-04-2011 and took up investigation.

6. Whereas, it is further alleged that on the day of trap i.e., on 07-04-2011, Sri Ali Ahmed Khan entered into the office chamber of Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthy Municipality and on seeing him Sri Mohd. Sajjad Ali, Municipal Commissioner asked Sri Ali Ahmed Khan to wait for some time as he was busy in some other work. At about 2.30 PM, Sri Mohd. Sajjad Ali, Municipal Commissioner came out from his chamber and asked Sri Ali Ahmed Khan to come inside his chamber. Sri Ali Ahmed Khan entered into the office chamber along with Sri Mohd. Sajjad Ali, Municipal Commissioner, who sat in his executive chair. Sri Mohd. Sajjad Ali enquired about the demanded bribe amount of Rs.35,000/- and on his positive reply, he demanded to pay the same. Then he took out the tainted bribe amount of Rs.35,000/- from his left side pant pocket and handed over the same to Sri Md. Sajjad Ali, Municipal Commissioner, who took the tainted amount of Rs.35,000/- with his right hand, counted with both hands and retained the tainted amount in his right side hip pocket of his pant and then asked Sri Ali Ahmed Khan to call Sri Mohd. Murthuja, Accountant. On his direction, Sri Ali Ahmed Khan came out and informed Sri Mohd. Murthuja, Accountant that Sri Mohd. Sajjad Ali, Municipal Commissioner was calling him. Then Sri Ali Ahmed Khan followed Sri Mohd. Murthuja to the chamber of Sri Mohd. Sajjad Ali, Municipal Commissioner, who instructed Sri Mohd. Murthuja, Accountant to bring the cheque prepared in favour of Sai Chemicals and hand over the same to Sri Ali Ahmed Khan, Proprietor of Sai Chemicals. Then Sri Mohd. Murthuja, Accountant went to his seat and brought the cheque along with cheque book and account book and placed on the table of Sri Mohd. Sajjad Ali, Municipal Commissioner. Sri Mohd. Sajjad Ali, Municipal Commissioner perused the cheque and informed Sri Ali Ahmed Khan that the cheque was issued for Rs. 2,77,200/- and the remaining pending bill would be paid shortly. Sri Ali Ahmed Khan took the cheque and as per the instructions of Sri Mohd. Sajjad Ali signed on the record slip of the cheque book in token of receipt of the cheque bearing No.209896 for Rs. 2,77,200/- dated 30-03-2011 and requested Sri Mohd. Sajjad Ali to pay the remaining pending bill of Rs. One (1) lakh and odd without any delay. After that, Sri Ali Ahmed Khan, came out of the office chamber of the Municipal Commissioner into the open place and gave the pre arranged signal by wiping his face with his hand kerchief. The phenolphthalein test conducted on both hand fingers of Sri Mohd. Sajjad Ali yielded positive result. The tainted bribe amount of Rs.35,000/- was handed over by Sri Mohd. Sajjad Ali by taking out from his right side hip pant pocket and the same was seized. The inner flaps of the right side pant hip pocket of Sri Mohd. Sajjad Ali yielded positive result when subjected to phenolphthalein test. The attested copy of cheque was seized from Sri Ali Ahmed Khan. The cheque book, account book and file were also seized.

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7. And, whereas, the aforesaid acts of Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthi Municipality, Wanaparthi, Mahabubnagar District constitute the offences punishable under sections 7 and 13(2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

8. And, whereas, the Government of Andhra Pradesh being the Competent Authority to remove the said Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthi Municipality, Wanaparthi, Mahabubnagar District from service after fully and carefully examining the Material placed before them i.e. copy of FIR, Mediators Reports- I & II and final investigation report in respect of the said allegation and having regard to the facts and circumstances of the case, consider that the said Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthi Municipality, Mahabubnagar District should be prosecuted in a court of law.

9. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act. 1988 (Central Act 49 of 1988), the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Mohd. Sajjad Ali, Municipal Commissioner, Wanaparthi Municipality Wanaparthi, Mahabubnagar District for the aforesaid offences punishable under sections 7 and 13 (2) r/w 13 (1)(d) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and for any other cognate offences punishable under any provisions of law for the time being in force and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(B.SAM BOB)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti-Corruption Bureau,
A. P. Hyderabad.

Section officer